

STEPHANIE HERSETH
SOUTH DAKOTA, AT LARGE

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107th Congress of the United States
House of Representatives

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July 27, 2004

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Dan King
Director
Office of Congressional Affairs
Surface Transportation Board
1925 K Street NW, Rm. #840
Washington, DC 20423-0001

Dear Mr. King,

I have been contacted by a South Dakota constituent, Paulene Staben, who has written to me concerning the Dakota, Minnesota, and Eastern (DM&E) Rail Road Corporation. Ms. Staben had previously contacted your office regarding her concerns. I have enclosed a copy of her letter.

I would appreciate your review and response to Ms. Staben's questions. Please direct your response to Emily Lefholz at 2525 West Main St. Rapid City, SD 57702, (605)394-5280.

I sincerely appreciate your time and assistance in this matter.

Sincerely,

Stephanie Herseth
U.S. House of Representatives

SMH/ejl
enclosure

HC 56 Box 43
Oral, SD 57766

Surface Transportation Board
1925 K Street NW
Washington, DC 20423-0001

I am writing to request information on FD 33407 (Dakota, Minnesota & Eastern RR Corporation construction into the Powder River Basin). On October 2, 2003, the Eighth Circuit Court of Appeals vacated the Board's Decision to DM&E to construct and operate a 280-mile rail line into the PRB. I assume this means DM&E cannot proceed with construction.

My confusion arises because of several local news stories since that decision. Kevin Schietter, CEO of DM&E RR, has indicated that the only thing stopping construction at this point is a problem securing financing. There is no mention of the fact that DM&E no longer has the permit to build.

My questions for you are:

1. What steps is the STB taking to do the necessary environmental studies that the 8th circuit Court found to be lacking?
2. Who pays for these studies?
3. Who will be doing the studies?
4. Will the public have an opportunity to review and comment on the findings and is a comment period required by law?
5. If the studies are found to be deficient by the public, can any decision based on the findings be appealed?
6. Can you give a possible time frame as to when the studies will be completed and ready for public review?
7. How will the public be notified of the completion of the environmental review?

Thank you for answering the questions.

Paulene C. Staben
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Oral, SD 57766
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605-424-2955

cc: Senator Tom Daschle
Senator Tim Johnson